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JUL 16 1975

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SAN FRANCISCO.

5 Attorneys for Atari, Inc.
and Kee Games, Inc.
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8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 THE MAGNAVOX COMPANY and)
SANDERS ASSOCIATES, INC.) Civil Action M-75-101-C
11 Plaintiffs)
12 v.) (C74 C 1030 - Northern District
of Illinois)
13 BALLY MANUFACTURING)
CORPORATION et al.,)
14 Defendants.)
15

16 Upon stipulation of the plaintiffs and ATARI, INC.
17 and KEE GAMES, INC., it is hereby ORDERED that:

18 1. Any document or portion thereof, or other form
19 of evidence contemplated under Rules 26 through 37 of the
20 Federal Rules of Civil Procedure for which a claim of
21 confidentiality or trade secrecy is made at the time of
22 production on behalf of ATARI, INC. and/or KEE GAMES, INC.,
23 pursuant to subpoena duces tecum or otherwise produced, shall
24 be designated as CONFIDENTIAL UNDER PROTECTIVE ORDER. At
25 the time it is produced for inspection by counsel, it is
26 sufficient designation for this purpose that a container
27 holding tangible objects, a file or an individual document
28 bear a written label marked CONFIDENTIAL UNDER PROTECTIVE
29 ORDER or the like and any object, file or document so marked
30 shall be handled as hereinafter set forth. Any copies of such
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1 documents or other tangible things so designated which are there-
2 after requested by and supplied to plaintiffs shall be marked
3 CONFIDENTIAL UNDER PROTECTIVE ORDER and shall be subject to the
4 following conditions.

5 2. Documents and other tangible things designated
6 CONFIDENTIAL UNDER PROTECTIVE ORDER, copies thereof, and the
7 information contained therein, and any analysis or report pertain-
8 ing thereto, shall be made available to and/or inspected by
9 attorney employees of the parties to this stipulated order having
10 a need to know, lawyers and clerical personnel of outside counsel
11 and independent testing laboratories not associated directly or
12 indirectly with a party and shall be used only for the purposes
13 of the aforementioned litigation Civil Action No. 74 C 1030,
14 United States District Court for the Northern District of
15 Illinois, Eastern Division and in litigation captioned Atari, Inc.
16 v. The Maganavox Company et al Civ. Action No. C 75 1442RFP in
17 the United States District Court for the Northern District of Calif.

18 3. The documents or other tangible things, designated
19 CONFIDENTIAL UNDER PROTECTIVE ORDER, copies thereof, or the
20 information contained therein and analyses or reports pertain-
21 ing thereto, shall not be disclosed to other than those named
22 in paragraph 2 hereof, until and unless:

23 (A) Counsel for ATARI, INC. and/or KEE GAMES,
24 INC. waives in writing, the claim of confidentiality
25 thereof, or

26 (B) Such information is otherwise rightfully
27 acquired by and on behalf of one of the parties to
28 this litigation, or

29 (C) Such information becomes public knowledge,
30 other than by act or omission of one of the parties
31 to this litigation or their representatives or
32 employees, or

1 (D) A Court Order releases the confidentiality.

2 4. If any party to this litigation concludes that
3 for the purpose of this action, they need to disclose any of
4 said confidential material, or the information contained
5 therein or derived therefrom, to any person not specified in
6 paragraph 2 hwherein, or to offer it in evidence in this
7 action, they may request the producing counsel to grant
8 permission to do so for specified documents or information.
9 To be effective, such consent must be granted in writing with
10 respect to specified documents or information by producing
11 counsel and the provisions of this Stipulated Protective
12 Order shall thereby be modified as to such specified documents
13 or information. If counsel cannot agree as to the disposition
14 of such a request on fifteen (15) days written notice to
15 producing counsel, application to the United States District
16 Court for the Northern District of Illinois for ruling on
17 such a request may be made and on such application this
18 Stipulated Protective Order shall be without prejudice to the
19 rights of any party in any respect; provided, however, that the
20 party seeking removal of the confidential status of any such
21 material shall pay to Atari, Inc. travel expenses for two persons
22 from Los Gatos, California to Chicago, Illinois for attendance
23 at each hearing in any such application. Furthermore, it is a
24 specific understanding that if said Court's assistance is
25 sought in expediting discovery and completion of this litiga-
26 tion it is agreed:

27 (A) That the mere designation of a document
28 by counsel or a party as being "confidential"
29 cannot alter or enhance the nature of that document
30 or its confidentiality or create any presumption of
31 confidentiality;

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(B) In the event that the parties disagree on the propriety of classifying a document as confidential, the party seeking classification other than confidential shall submit a request in writing to the Court for in-camera consideration of the document and a determination of the desirability of releasing the document for further use in this litigation; and

(C) The Court shall release the document for use in this litigation and for disclosure to the other parties to this litigation if the Court finds that the document is relevant and material to the issues subject only to such further or alternate protective provisions as the Court may deem just in the circumstances.

5. Any other party to this action who wishes access to the documents on the same basis and with the same restrictions as set forth hereinabove with respect to plaintiffs, may enter into this stipulated order by agreement of counsel attested to by an appropriate signature of counsel hereto.

Theodore Anderson
Attorney for Plaintiffs

James O. Rehmet
Attorney for Atari, Inc. and
Kee Games, Inc.

IT IS SO ORDERED.

LLOYD H. BURKE

Date 7/16/75

United States District Judge

John W. Bally
Attorney for Bally Manufacturing Corp
Empire Distributing, Inc.
Midway Mfg. Co.

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST:

Clerk, U. S. District Court

Northern District of California

By J. C. Donald
Dated 7-16-75